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Appl. No.: 10/789,383

### REMARKS

The last Office Action of October 13, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-12 are pending in the application. Claims 1 and 9 have been amended. Claim 2 has been canceled. An amendment to the specification has been made. No fee is due.

It is noted that claim 5 is objected to because of an ambiguity between the subject matter of claim 5, on one hand, and the drawing and specification, on the other hand.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,980,912 to Panza or U.S. Pat. No. 4,634,909 to Brem.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,939,808 to Adames.

### OBJECTION TO CLAIM 5

In order to clearly reconcile the subject matter of claim 5 with the specification and drawing, applicant has amended the specification to reflect the illustration of a "nut" in Fig. 1a. In contrast to the contention by the Examiner that reference numeral "40" designates a screw, it is a nut that is, in fact, shown in Fig. 1a in circumscribing relationship to the spacer element (30). The nut is

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hereby in mesh with an outer thread of the spacer element (compare paragraph [0023] of the instant specification and the reference to "threads"). This configuration is clearly shown in Fig. 1a. Compare also paragraph [0011] of the instant specification and the reference to "nut".

Withdrawal of the objection to claim 5 is respectfully requested.

#### **REJECTION OF CLAIM 1 UNDER 35 U.S.C. §102(b)**

The rejection under 35 U.S.C. 102(b) becomes moot as a result of the incorporation of the subject matter of claim 2.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

In order to clearly set forth the features of the present invention and to more clearly distinguish the present invention from Adames, applicant has amended claim 1 by incorporating the subject matter of claim 2. More specifically, claim 1 has been amended to set forth the provision of a defined vertical height of the motor and the attached cooling device by the presence of the spacer elements. Thus, as the spacer elements can be reproduced accurately with same dimensions, the dimension of the motor with the cooling device is precisely established so that the outer dimensions and thus the installation space can be precisely predetermined. Reference is also made to paragraph [0009] of the instant specification.

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With respect to the rejection based on Adames, applicant wishes to note that the Examiner's rejection is somewhat confusing and allows applicants only to speculate as to the portions of each reference relied upon. Reference numeral "424" merely relates to a wire fastener which does neither include nor constitute a spacer element.

Adames describes an electric motor housing having a cooling element (210) in surrounding relationship to a motor part (core 210). Support rails (412, 416, 418, 420) are provided between the motor part and the cooling device, whereby wire fasteners are used for securing the support rails (412) to the cooling element (210). The following argumentation assumes that the Examiner equates the support rails with the spacer elements of the present invention. As described in col. 16, lines 42-44 and illustrated in Fig. 8, the support rails are secured to the core by nails which are forced from the outside through a channel section of the rails into the core. Thus, the vertical dimension of the motor part with attached cooling device is not reproducibly the same and may vary depending on the insertion of the nails. In other words, the radial dimension of the overall device is dependent on the nails and their insertion, and not by the radial dimension of the support rails.

For the reasons set forth above, it is applicant's contention that Adames neither teaches nor suggests the features of the present invention, as recited in claims 1 and 9.

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As for the rejection of the retained dependent claims, these claims depend on claims 1 and 9, respectively, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1, 3-12 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

### **CITED REFERENCES**

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

### **CONCLUSION**

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

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Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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**AMENDMENTS TO THE SPECIFICATION WITH MARKINGS TO SHOW  
CHANGES MADE**

Amend the following paragraph(s):

**[0024]**       -- At its end distal to the attachment surface A, the spacer element 30 is configured to extend through or across the width of the top surface 15 and secured there by fasteners such as screws nuts 40, retainer rings, cotter pins or the like. Although not shown in detail, each spacer element 30 has, of course, respective threads, annular grooves, bores or the like depending on the type of fastener being used.—.

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**AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES  
MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS**

1. (Currently amended) A cooling device for an electric motor; comprising:  
a carrier constructed for attachment on a motor part;  
at least one cooling element; and  
fastening means for securing the cooling element to the carrier, said  
fastening means including a spacer element having an attachment surface  
constructed for placement upon the motor part and defined by a predefined  
vertical dimension normal to the attachment surface, wherein the spacer  
element traverses the carrier so that the vertical dimension of the spacer  
element is solely determinative for defining an added height or diameter of  
the motor part, when the cooling device is attached to the motor part.
2. (Canceled)
3. (Original) The cooling device of claim 1, wherein the cooling part is routed  
through the spacer element.
4. (Original) The cooling device of claim 1, wherein the fastening means  
includes a fastener for securing the spacer element to the carrier at an end  
distal to the attachment surface.

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5. (Original) The cooling device of claim 4, wherein the fastener is a nut.
6. (Original) The cooling device of claim 4, wherein the fastener is a member selected from the group consisting of retainer ring and cotter pin.
7. (Original) The cooling device of claim 1, wherein the cooling element is a serpentine cooling tube which is inserted in a slot of the spacer element and has an attachment-surface-proximal zone which is form-fittingly received in the slot.
8. (Original) A primary part of an electric rotary motor or linear motor, comprising a cooling device of claim 1.
9. (Currently amended) An electric motor, comprising a primary part, and a cooling device connected to the primary part, wherein the cooling device includes a carrier constructed for attachment to the primary part, at least one cooling element, and fastening means for securing the cooling element to the carrier, said fastening means including a spacer element having an attachment surface constructed for placement upon the primary part and defined by a predefined vertical dimension which is normal to the attachment surface and solely determinative for defining an outer dimension of the primary part with attached cooling device.



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5. (Original) The cooling device of claim 4, wherein the fastener is a nut.
6. (Original) The cooling device of claim 4, wherein the fastener is a member selected from the group consisting of retainer ring and cotter pin.
7. (Original) The cooling device of claim 1, wherein the cooling element is a serpentine cooling tube which is inserted in a slot of the spacer element and has an attachment-surface-proximal zone which is form-fittingly received in the slot.
8. (Original) A primary part of an electric rotary motor or linear motor, comprising a cooling device of claim 1.
9. (Currently amended) An electric motor, comprising a primary part, and a cooling device connected to the primary part, wherein the cooling device includes a carrier constructed for attachment to the primary part, at least one cooling element, and fastening means for securing the cooling element to the carrier, said fastening means including a spacer element having an attachment surface constructed for placement upon the primary part and defined by a predefined vertical dimension which is normal to the attachment surface and solely determinative for defining an outer dimension of the primary part with attached cooling device.

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10. (Original) The motor of claim 9, constructed as rotary motor.
11. (Original) The motor of claim 9, constructed as linear motor.
12. (Original) The motor of claim 10, wherein the cooling device is configured in the form of bent segments which are placed about an outer perimeter of the primary part.